

REMARKS

In the Office Action mailed June 30, 2006, the Examiner rejected claims 84-103. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 84, 91, 97, 100, 101 and 103; canceled claims 87 and 94; and added new claims 104 and 105. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art.

Claim Rejections 35 USC 112

The Examiner objected to claims 97 and 100-103 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Office Action suggests that claim 97 is not clearly understood because "the show surface" lacks a clear antecedent basis. Applicants have amended claim 97 to depend from claim 96 to address this suggestion.

The Office Action also suggests that claim 100 depends from canceled claim 63. Applicants have amended claim 100 to depend from claim 91 to address this suggestion.

Moreover, the Office Action suggests that claims 101 and 103 are not clear because it is unclear how many openings are required. Applicants submit that claim 101 includes at least one opening for receiving an instrument or a gauge, at least two rectangular openings, and one circular opening, which amounts to at least four separate openings. Applicants also submit that claim 103 has been amended to recite "the at least one opening includes a first opening for receiving a gauge and a second opening for receiving an instrument" to address the above suggestion.

Accordingly, Applicants request for reconsideration based on the above amendments.

Claim Rejections under 35 USC 102

Claims 84-89, 91-95, and 97-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Delmastro (US Patent 6,354,623). This rejection is respectfully traversed.

Independent claims 84 and 94 have been amended to now recite in part "wherein the first panel includes a first flange that extends along a length and side of the first panel, the second panel includes a first flange that extends along a length and side of the second panel, and the first and second panel are joined to each other at the first flange of the first panel and the first flange of the second panel", which is not taught or suggested in the Delmastro reference. In contrast, Delmastro et al., at best, teaches attaching the lower retainer to the upper retainer with energy concentrators (38), which are not flanges as recited in the present claims and, moreover, are not flanges that belong respectively to a first and second panel and that extend along a length and side of those respective panels as claimed in claims 84 and 94.

For the foregoing reasons, Applicants request that the rejections of claims 84, 94 and their dependents be withdrawn.

Claim Rejections under 35 USC 103

Claims 90, 96, 101-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmastro (US Patent 6,354,623) in view of Brannon (US Patent 5,443,775) or Speelman (US 2002/0153741). This rejection is respectfully traversed.

The Office Action suggests on page 5 that Delmastro et al. discloses a rectangular opening (16) in the first panel and another opening in first panel (12) for receiving the fastener shown in Figure 4, but does not disclose the claimed materials, a circular opening, or more than one rectangular opening. However, the Office Action suggests that it would have been obvious to combine the teachings of the Speelman reference, which teaches forming circular openings (52) for receiving fasteners, with the teachings of the Delmastro reference. The Office Action further

suggests that it would have been obvious to form another rectangular opening in the first panel of Delmastro to provide more space for accommodating mechanisms like instruments and gauges.

Applicants contend that the Office Action has failed to establish a prima facie case of obviousness of claim 101 of the present application. Applicants assert that Delmastro et al. neither teaches nor suggests a first panel and second panel separate from a show surface of a vehicle as claimed in claim 101. Rather, Delmastro et al. teaches retainers integrated with a show surface (Figure 2), which is contrary to the design of the panel assembly claimed in claim 101. The skilled artisan would look to the disclosure of the present invention along with its drawings and conclude that the panel assembly claimed in claim 101 is designed for underlying beneath a show surface or other components within the vehicle and not integrally formed together with the show surface. In addition, Applicants assert that the Office Action fails to specify any suggestion or motivation in Delmastro to modify its trim panel to include plural rectangular openings for receiving an instrument or a gauge. Moreover, Applicants assert that the panel assembly having the combination of a first panel and second panel separate from a show surface of a vehicle, at least one of the first or second panels defining an air duct, one or both the first panel and second panel including: at least one opening for receiving an instrument or a gauge, a circular opening; and plural rectangular openings as claimed in claim 101 is neither taught nor suggested by Delmastro or any of the cited references alone or in combination. Therefore, Applicants contend that the Office Action has failed to properly show elements of claim 101 in the prior art and, therefore, has failed to establish a prima facie case of obviousness against claim 101 of the present invention.

For the foregoing reasons, Applicants request that the rejection of claim 101 and its dependents be withdrawn accordingly.

Furthermore, Applicant points out that it would likely be improper to present a final rejection of claim 101 on a grounds alternative to that already presented since applicants have not amended those claims in a manner, which would necessitate such alternative grounds. In particular, the MPEP reads:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee..." MPEP 706.07(a)

Thus, any new grounds of rejection, "that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee..." would be improper.

New Claims

Applicants have added new claims 104 and 105 and believe that the language of claims 104 and 105 in combination with the language of the claims upon which they depend is neither taught nor suggested by the references of record.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

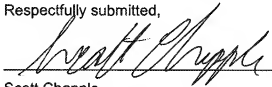
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 04-1512 for any fee which may be due.

Dated: 25 September, 2006

Respectfully submitted,



Scott Chapple
Registration No. 46,287
DOBRUSIN & THENNISCH PC
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342
(248) 292-2920

Customer No. 25215